IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 34909 of 2005(E)

PETITIONER:

THE PALAKKAD PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.NO.F.1029, REPRESENTED BY ITS SECRETARY, PALAKKAD-678 014.

BY ADV. SRI.T.K.CHINNAN

RESPONDENTS:

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1. THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM, CIVIL STATION, PALAKKAD-678 001.

2. M.S. SARAMMA GEORGE, W/O. K.M. GEORGE, MARAKKATTIL HOUSE, KATTUMULLA KALAM, THADUKKASSERY.

BY ADV. SRI.JACOB SEBASTIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, ALONG WITH W.P.C.NO.20135/06 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.NO.34909/05

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF REVISED GUIDELINES DT. 31.3.2003 ISSUED BY NABARD.

EXT.P2 : TRUE COPY OF LETTER DT. 12.10.2001 ISSUED BY THE REGISTRAR OF COOPERATIVE SOCIETIES.

EXT.P3 : TRUE COPY OF LETTER DT. 7.10.2003 ISSUED BY KERALA STATE COOPERATIVE AGRL. & RURAL DEVELOPMENT BANK.

EXT.P4 : TRUE COPY OF CIRCULAR NO.15/04 ISSUED BY REGISTRAR OF COOPERATIVE SOCIETIES.

EXT.P5 : TRUE COPY OF CIRCULAR NO.20/04 DT. 20.7.2004 ISSUED BY KERALA STATE COOPERATIVE AGRL. & RURAL DEVELOPMENT BANK.

EXT.P6 TRUE COPY OF COMPLAINT O.P.NO.85/05 DT. 13.6.05 FILED BY THE 2ND RESPONDENT BEFORE THE FIRST RESPONDENT.

TGS

KURIAN JOSEPH, J.

W.P.(C) Nos.34909/05, 20135, 20141 & 20142 of 2006

Dated 2nd April, 2007.

J U D G M E N T

Though several contentions are taken in these writ petitions, one crucial contention is with regard to the jurisdiction of the District Forum under the provisions of the Consumer Protection Act to go into the complaint filed by the party respondents regarding the alleged deficiency of service of the petitioner Cooperative Bank in the matter of fixation of interest. Learned counsel for the party respondents submits that question of jurisdiction is one to be raised first before the Forum itself and it is for the Forum to enter into a finding in that regard.

2. Having heard the learned counsel on both sides, I am of the view that the Forum has to decide the question of jurisdiction as a preliminary issue. Accordingly, the writ petitions are disposed of directing the District Consumer Disputes Redressal Forum, Palakkad to decide the question of maintainability of the complaints before the Forum as a preliminary issue and only after deciding the maintainability, the cases shall be proceeded with, if required. It is made clear that in

that view of the matter, all other contentions raised in the writ petitions are left open.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 2nd April, 2007.